

AN ACT

ENTITLED, An Act to provide for the periodic review of the agencies of state government.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. For the purposes of this Act, the term, state agency, means any department, division, office, commission, board, or any other unit of state government. The term does not include any local unit of government.

Section 2. The executive board of the Legislative Research Council shall establish and appoint the members of one or more interim committees each year to review one or more state agencies. The executive board shall establish a schedule whereby each state agency is reviewed by an interim committee once every ten years.

Section 3. Any committee appointed pursuant to this Act shall implement the procedures of this Act and may establish its own procedures for the review and evaluation required by this Act.

Section 4. Each committee shall hold public hearings and receive testimony from the public and all interested parties. The state agency under review shall bear the burden of establishing that sufficient public need is present to justify its continued existence. The state agency under review shall provide the committee with the following information:

- (1) The identity of all offices under the direct or advisory control of the state agency;
- (2) All powers, duties, and functions currently performed by the state agency;
- (3) All constitutional, statutory, or other authority under which the powers, duties, and functions of the state agency are carried out;
- (4) Any powers, duties, or functions which the state agency is performing and which is duplicated by another state agency within the state including the manner in which, and the extent to which, the duplication of effort is occurring and any recommendations as to eliminating the duplications;

- (5) Any powers, duties, or functions which are inconsistent with current and projected public needs and which should be terminated or altered; and
- (6) Any other information which the committee feels is necessary and proper to carry out its review and evaluative duties.

Section 5. To determine whether a sufficient public need for continuing the state agency is present, a committee shall take into consideration the following factors concerning the state agency:

- (1) The extent to which any information required to be furnished to the reviewing committee pursuant to section 4 of this Act has been omitted, misstated, or refused, and the extent to which conclusions reasonably drawn from the information are adverse to the legislative intent inherent in the powers, duties, and functions as established in the enabling legislation creating the state agency, or is inconsistent with present or projected public demands or needs;
- (2) The extent to which statutory changes have been recommended which would benefit the public in general as opposed to benefiting the state agency;
- (3) The extent to which the operation of the state agency has been efficient and responsive to the public needs;
- (4) The extent to which the state agency has encouraged the persons regulated to report to it concerning the impact of its rules and decisions regarding improved services, economy of service, or availability of service to the public;
- (5) The extent to which the public has been encouraged to participate in rule and decision making as opposed to participation solely by persons regulated;
- (6) The extent to which complaints have been expeditiously processed to completion in the public interest; and
- (7) Any other relevant criteria which the committee deems necessary and proper in reviewing

and evaluating the sufficient public need for continuance of the state agency.

Section 6. The Department of Legislative Audit shall furnish, upon request of a committee, any relevant information including the reports of audits of the state agency under review.

Section 7. Each committee shall submit reports recommending either the continuation, revision, or termination of the state agency under review to the executive board of the Legislative Research Council for distribution to legislators and the Governor before the first legislative day of the ensuing regular legislative session.

Section 8. Each committee shall submit its recommendations concerning the state agency and laws that it believes should be repealed or revised to the Legislature in one or more bills.

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I certify that the attached Act
originated in the

HOUSE as Bill No. 1196

Chief Clerk
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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1196

File No. _____

Chapter No. _____

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Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor
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The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor
=====

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State